

REMARKS**Status of the Claims**

Applicant respectfully requests reconsideration of the instant application in view of the above amendments and the following remarks. This amendment cancels claims 26-28 and amends claims 17, 25, 31-33, and 36-39. Accordingly, upon entry of this Amendment, claims 1-25, 29-33, and 36-39 will be pending in this application. Claims 1-16 are withdrawn from consideration. These changes are believed to introduce no new matter. Moreover, these changes are believed to create no new issues. Therefore, entry and consideration of this Amendment are respectfully requested.

Objections to the Claims

Claims 17-30 are objected to because in claim 17, line 1, there is no proper antecedent basis for “the mask”. In response, claim 17 has been amended in accordance with the Examiner’s suggestion. Therefore, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 31 and 37 are rejected under 35 U.S.C. §102(e) as being anticipated by Boettiger et al. (U.S. Patent No. 6,545,829). Applicant respectfully requests that this rejection be withdrawn. These claims have been amended to include a limitation of “wherein said correction part includes a thin film that is adhered to said transparent member, and has an aspheric surface.” Boettiger et al. neither discloses nor suggests this limitation. Therefore, claims 31 and 37 are believed to be allowable over Boettiger et al.

Claims 17-19, 23, 25, 29, 30 and 36 are rejected under 35 U.S.C. §102(e) as being anticipated by Nishi (U.S. Patent No. 6,522,386). Independent claim 17 recites a mask that includes a substrate and a transparent member. As amended, the mask of claim 17 further includes “a thin film that is adhered to said transparent member, and has an aspheric surface.”

Amended claim 36 has recites “wherein said correction part includes a thin film that is adhered to said transparent member, and has an aspheric surface.” Nishi neither discloses nor suggests these limitations. Therefore, claims 17 and 36 are allowable over Nishi. Since claims 18, 19, 23, 25, and 30 depend upon claim 17, these claims are also allowable over Nishi.

Rejections under 35 U.S.C. §103

Claims 17-33 and 36-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over the EP 1158361 in view of Nishi. However, EP 1158361 and Nishi, singularly or in combination, fail to disclose the features discussed above with reference to independent claims 17, 31, and 36 (which are also recited in independent claims 32, 33, and 37-39).

In particular, these features involve a thin film having an aspheric surface on a transparent member instead of directly cutting a transparent member to form an aspheric surface. Therefore, the present invention can produce a smooth aspheric surface that is closer to a design value, and reduce an aberration more effectively. Since the above references do not have such an effect, these claims are not obvious over these references.

CONCLUSION

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections, and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4807.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4807.

Respectfully submitted,
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Dated: _____

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By: _____



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